

# Intersectional feminist engagements with international law (Part I)

## An interview with Emilia Roig

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Sué González Hauck

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Most contributions to our online review symposium argue in favor of an intersectional approach. Legal scholar Kimberlé Crenshaw [coined](#) the term 'intersectionality' in 1989. Crenshaw is also the president of the Berlin-based Center for Intersectional Justice (CIJ). Völkerrechtsblog had the pleasure of talking to the founder and executive director of the CIJ, Dr. Emilia Zenzile Roig.

**The CIJ advocates for an intersectional approach to anti-discrimination law and policy. Can you explain what this entails and how an intersectional approach differs from other feminist perspectives?**

An intersectional approach requires that we move from a single axis to a multiple axis. Most importantly, it requires that we move from the identity level, from the individual level of discrimination to the structural, systemic, institutional, and historical level. This shift of perspective means that we can tackle systems of oppression, that we can tackle the very systems that create our identities and that underly the social inequalities that we're combatting instead of focusing simply on the symptomatic expressions of discrimination or inequalities.

For example, instead of looking at the identity 'woman', when we look at gender inequalities, we look at the system of patriarchy. This includes looking at the underlying systems of binarism, heteronormativity, homophobia, transphobia, cissexism, etc., but it also includes seeing these in intersections with other systems. It would be misguided to think that we can tackle gender inequalities by looking only at gender. Instead, we also need to include other axes such as race, ethnicity, religion, colonialism, and global capitalism.

What does it entail? How do we do that? We do that through advocacy, research, and training. The advocacy work that we do ranges from classical advocacy, from working directly with specific political decision-makers, to shifting the discourse and introducing a new paradigm to anti-discrimination work in political institutions as well as in society more broadly. A lot of work needs to be done before we tackle individual laws and policies. Mostly, what we need is to reframe the discourse on inequalities. Currently, it revolves around one angle, meaning that inequalities or discrimination happens because some groups of people have prejudices and need to be dealt with. That's why the anti-discrimination framework in most European

countries focuses on this individual frame. We need to move beyond that to add other measures to fight discrimination at the institutional and historical levels.

**Thank you for this wonderful introduction. I hope that we can unpack some of your points with the next questions. Let us start with the category 'woman'. The [Elgar Research Handbook](#) problematizes this category in some chapters, while other chapters work with this category without questioning what it implies. How does an intersectional perspective approach the category 'woman' and what are the problems of placing this category at the center of feminist engagements with international law?**

I still think that we haven't reached a point where we can overcome social and political categories, so it's still very important to work with the category 'woman'. The only thing is that we need to move beyond the implicit assumptions about the representation of this category. Currently, this category is occupied by a monolithic understanding of what 'woman' means and, generally, it is represented by the most privileged woman in that category. With an intersectional approach, we advocate for a trickle-up approach instead of a trickle-down approach.

Currently, we have a trickle-down approach, meaning that we imagine that if we reach the most privileged woman or the archetypical representation of 'woman' then we will reach every woman. That is an implicit assumption of 'mainstream' feminist approaches. A trickle-up approach means that we need to reach the most structurally disadvantaged people within the category 'woman', i.e. all minorities within this category, women with disabilities, trans women, gender-non conforming people (so also, of course, people who do not identify as women), racial minorities, poor women. If we address the needs of the most structurally disadvantaged person within this category, then we can infer that we will reach every person in each single category. I give you a hyperbolic example: we have a woman who has disabilities, she is trans, migrant, Muslim and wears the hijab and on top of that she is poor. If we reach this woman, if we address the needs, rights, and access to resources of that particular person, we will make sure that the rights and access and perspective and needs of all people with disabilities, all trans people, all migrants etc. are also met. There is a current misunderstanding about intersectionality, which is that it focuses on very particular identities that are so specific that they are no longer representative of a whole category. This is a gross misunderstanding, because if we follow the trickle up approach there is no such thing. If we reach a person with a very particular identity, we can create a universalist claim for that person and, in turn, extend the reach of the law.

That's why we need to continue working with the categories, understanding that the category 'woman' is important to address systemic inequalities, but it is absolutely essential to understand that this is a constructed category. It's a social, historical, political construct and it should be deconstructed as a biological natural category, because if we don't do that we do not challenge the gender binary, which is the building block of a patriarchal system and of the patriarchal oppression of women and of all other people who fall outside the gender binary.

*Sué González Hauck is a member of Völkerrechtsblog's Editorial Team.*

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